IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1625 of 2007(R)

PETITIONER:

A.K. THANKAPPAN, AGED 55 YEARS,
S/O. KUNJU THE PRESIDENT, NEDUNKANDAM CO-OPERATIVE
URBAN BANK LIMITED NO.I-104, NEDUNKANDAM P.O.,
IDUKKI DISTRICT.

BY ADV. SRI.JOICE GEORGE

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO DEPARTMENT OF
CO-OPERATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
KERALA, OFFICE OF THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, STATUE JUNCTION, THIRUVANANTHAPURAM.

3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, OFFICER OF THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES, PAINAVU P.O., IDUKKI.

4. THE ASST. REGISTRAR OF CO-OPERATIVE
SOCIETIES, NEDUNKANDAM, NEDUNKANDAM P.O.,
IDUKKI DISTRICT.

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 1625 of 2007 (R)

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Dated this the 16th day of January, 2007

J U D G M E N T

The apprehension of the writ petitioner is that, without hearing or giving an opportunity to him, he may be disqualified as the board of director of the Nedunkandam Co-operative Urban Bank Limited No.1-104, and, therefore, prayed to direct the respondents, to follow the procedure, as per the Kerala Co-operative Societies Act, 1969, in short 'the Act' and the Rules thereunder, before any steps are initiated or orders passed, against the managing committee of the bank represented by the writ petitioner.

2. I heard the arguments advanced by the learned counsel for the writ petitioner and also the learned Senior Government Pleader. It is submitted by the Government Pleader that the usual inspection has been conducted in the bank of the writ petitioner and no other steps are so far initiated. It is also further submitted that the provisions of the Act and Rules

thereunder shall be followed before any action is initiated or orders passed.

3. In the above facts situation, I dispose of the writ petition, directing the third respondent, Joint Registrar, to follow the provisions contained in Sections 32 and 33 of the Act and Rule 44 of the Rules, before any steps are taken or any order passed, either disqualifying or superceding the managing committee of the writ petitioner bank.

The writ petition is closed as above.

(J.M.JAMES)
Judge

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